

Office of Surface Mining Reclamation and Enforcement**Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act**

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information, related form and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirements should be made directly to the Bureau clearance officer and to the Office of Management and Budget, Paperwork Reduction Project (1029-0039), Washington, DC 20503, telephone 202-395-7340.

Title: Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plans—30 CFR 784.

OMB Number: 1029-0039.

Abstract: Sections 507(b), 508(a) and 516(b) of Public Law 95-87 require underground coal mine permit applicants to submit an operations and reclamation plan and establish performance standards for the mining operation. Information submitted is used by the regulatory authority to determine if the applicant can comply with the applicable performance and environmental standards in Public Law 95-87.

Bureau Form Number: None.

Frequency: On occasion.

Description of Respondents:
Underground Coal Mining Operators.

Estimated Completion Time: 513 hours.

Annual Responses: 100.

Annual Burden Hours: 51,261.

Bureau Clearance Officer: John A. Trelease, (202) 343-1475.

Dated: January 10, 1995.

Andrew F. DeVito,

Chief, Branch of Environmental and Economic Analysis.

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-364]

Certain Curable Fluoroelastomer Compositions and Precursors Thereof; Issuance of Limited Exclusion Order and Cease and Desist Order

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a limited exclusion order and a cease and desist order in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Mark D. Kelly, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-3106.

SUPPLEMENTARY INFORMATION: The authority for the Commission's determinations is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in § 210.58 of the Commission's Interim Rules of Practice and Procedure (19 CFR 210.58).

The Commission instituted this investigation on March 16, 1994, based upon a complaint filed by Minnesota Mining and Manufacturing Company ("3M") alleging that Ausimont, S.p.A., of Milan, Italy, and Ausimont U.S.A., Inc., of Morristown, NJ (collectively referred to as "respondents" or "Ausimont") had violated section 337 in the sale for importation, the importation, and the sale within the United States after importation of certain curable fluoroelastomer compositions and precursors thereof, by reason of infringement of one or more claims of U.S. Letters Patent 4,287,320 ("the '320 patent") assigned to 3M. 59 FR 12344 (March 16, 1994).

On December 15, 1994, the presiding administrative law judge (ALJ) issued his final initial determination (ID) finding that respondents had violated section 337, based on his findings that (1) the claims in issue of the '320 patent are not invalid; (2) the accused products imported by respondents infringe the claims in issue of the '320 patent under the doctrine of equivalents; and (3) a domestic industry exists. On February 2, 1995, the Commission determined not to review the ALJ's final ID and requested written submissions on the issues of remedy, the public interest, and bonding. 60 FR 7581 (February 8, 1995).

Submissions on remedy, the public interest, and bonding were received from complainant 3M, respondents, and the Commission investigative attorney (IA). Complainant, respondents, and the IA also filed reply submissions on these issues.

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission made its determinations on the issues of remedy, the public interest, and bonding. The Commission determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed importation of infringing fluoroelastomer compositions or precursors thereof manufactured and/or imported by or on behalf of Ausimont, S.p.A. of Milan, Italy or Ausimont U.S.A., Inc., of Morristown, New Jersey. In addition, the Commission issued a cease and desist order directed to the domestic respondent, Ausimont U.S.A., ordering it to cease and desist from the following activities in the United States: importing, selling, marketing, distributing, offering for sale, or otherwise transferring (except for exportation) in the United States infringing imported curable fluoroelastomer compositions or precursors thereof. The orders apply to any of the affiliated companies, parents, subsidiaries, licensees, contractors, or other related business entities, or their successors or assigns, of the above-named companies.

The Commission also determined that the public interest factors enumerated in 19 U.S.C. 1337 (d) and (f) do not preclude the issuance of the limited exclusion and cease and desist orders, and that the bond during the Presidential review period shall be in the amount of 48 percent of the entered value of the articles in question.

Copies of the Commission orders, the Commission opinion in support thereof, and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

Issued: March 16, 1995.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 95-7047 Filed 3-21-95; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

Availability of Environmental Assessments

Pursuant to 42 U.S.C. 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available are listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Tawanna Glover-Sanders, Interstate Commerce Commission, Section of Environmental Analysis, Room 3219, Washington, DC 20423, (202) 927-203.

Comments on the following assessment are due 15 days after the date of availability:

AB-43 (Sub-No. 166X), Illinois Central Railroad Company—Notice of Exemption Under 49 C.F.R. 1152.50—Abandonment of Line In Taylorsville, Mississippi. EA available 3/3/95

AB-436X, Bath & Hammondsport Railroad Co.—Abandonment Exemption—In Steuben County, NY. EA available 3/10/95.

AB-55 (Sub-No. 501X), CSX Transportation, Inc.—Abandonment—In Lucas and Wood Counties, Ohio. EA available 3/10/95.

Comments on the following assessment are due 20 days after the date of availability:

Finance Docket No. 32640, Canadian National Railway Company—Integration of Rail Operations with U.S. Rail Affiliates. EA available 3/17/95.

Comments on the following assessment are due 30 days after the date of availability:

AB-43 (Sub-No. 168X), Illinois Central Railroad Company Abandonment Exemption—In Hinds County, Mississippi. EA available 3/10/95.

AB-402 (Sub-No. 3X), Fox Valley & Western Ltd.—Abandonment Exemption—In Portage and Waupaca Counties, Wisconsin. EA available 3/17/95.

Vernon A. Williams,
Secretary.

[FR Doc. 95-7053 Filed 3-21-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-6 (Sub-No. 365X)]

Exemption and of Interim Trail Use or Abandonment; Burlington Northern Railroad Company—Abandonment Exemption—in Thurston County, WA

Burlington Northern Railroad Company (BN) has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 12.45-mile rail line between BN MP 16.00 near Belmore and BN MP 28.45 near Gate, including the station of Little Rock at BN MP 21.4, in Thurston County, WA.

BN has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 21, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking statements under 49 CFR 1152.29 must be filed by April 3, 1995.³ Petitions to reopen or requests

¹ The Commission will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Commission in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for stay should be filed as soon as possible so that the Commission may take appropriate action before the exemption's effective date.

² See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

³ The Commission will accept a late-filed trail use request so long as the abandonment has not

for public use conditions under 49 CFR 1152.28 must be filed by April 11, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Sarah J. Whitley, Burlington Northern Railroad Company, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102-5384.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

Thurston County (County) supports the abandonment and seeks issuance of a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) covering the involved lines. County has submitted a statement of willingness to assume financial responsibility for the trail in compliance with 49 CFR 1152.29. BN consents to this request and is willing to negotiate with County.

While expressions of interest in interim trail use need not be filed until 10 days after the date the notice of exemption is published in the **Federal Register** [49 CFR 1152.29(b)(2)], the provisions of 16 U.S.C. 1247(d) (Trails Act) are applicable, and all of the criteria for imposing trail use/rail banking have been met. Accordingly, based on BN's willingness to enter into negotiations with County, a NITU will be issued. The parties may negotiate an agreement during the 180-day period prescribed below. If a mutually acceptable final agreement is reached, further Commission approval is not necessary. If no agreement is reached within 180 days, BN may fully abandon the line. See 49 CFR 1152.29(d)(1).

Issuance of this NITU does not preclude other parties from filing interim trail use/rail banking requests. Nor does it preclude BN from negotiating with other parties in addition to County during the NITU negotiating period. If additional trail use requests are filed, BN is directed to respond to them. Use of the rights-of-way for trail purposes is subject to restoration for railroad purposes.

The parties should note that operation of the trail use procedures could be delayed, or even foreclosed, by the financial assistance process under 49 U.S.C. 10905. As stated in *Rail Abandonments—Use of Rights-of-Way as Trails*, 2 I.C.C.2d 591 (1986) (*Trails*), offers of financial assistance (OFA) to acquire rail lines for continued rail service or to subsidize rail operations take priority over interim trail use

been consummated and the abandoning railroad is willing to negotiate an agreement.